

Highly Confidential - Subject to Further Confidentiality Review

1 UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF OHIO  
3 EASTERN DIVISION

4 - - -

5 IN RE: NATIONAL :  
PRESCRIPTION : MDL No. 2804  
6 OPIATE LITIGATION :  
\_\_\_\_\_ : Case No.  
7 : 1:17-MD-2804  
THIS DOCUMENT RELATES :  
8 TO ALL CASES : Hon. Dan A. Polster

9 - - -

10 Thursday, December 6, 2018  
11 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER  
CONFIDENTIALITY REVIEW

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13  
14 Videotaped deposition of JASON BRISCOE, held  
15 at the offices of Cavitch, Familo & Durkin,  
16 1300 East Ninth Street, Cleveland, Ohio, commencing at  
17 9:05 a.m., on the above date, before Carol A. Kirk,  
18 Registered Merit Reporter and Notary Public.

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21  
22 GOLKOW LITIGATION SERVICES  
877.370.3377 ph | 917.591.5672 fax  
23 deps@golkow.com  
24



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1 on behalf of DDM regarding its duties under  
2 federal law as a distributor, correct?

3 A. Yes.

4 Q. And you understand, sir, today  
5 that DDM is here in its capacity as a  
6 distributor to its own wholly-owned pharmacies,  
7 correct?

8 A. Yes.

9 Q. And you understand that its role  
10 as a distributor is different than its role and  
11 obligation as a pharmacy or dispensing  
12 operation, correct?

13 A. Yes.

14 Q. Under d, "Your past/present  
15 interpretation, compliance, agreement and/or  
16 disagreement with the reporting requirement and  
17 shipping requirement as referenced in Masters  
18 Pharmaceutical."

19 Are you familiar and prepared to  
20 testify today about the shipping requirement and  
21 the due diligence requirement under -- I'm  
22 sorry -- reporting requirement and shipping  
23 requirement as reported and referenced in  
24 Masters?

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1 1301.74 --

2 A. Okay.

3 Q. -- titled "Other security controls  
4 for non-practitioners; narcotic treatment  
5 programs and compounders for narcotic treatment  
6 programs."

7 And do you see under (b) -- well,  
8 let's do (a) first. (a), "Before distributing a  
9 controlled substance to any person who the  
10 registrant does not know to be registered to  
11 possess the controlled substance, the registrant  
12 shall make a good faith inquiry with the  
13 administration or with the appropriate State  
14 controlled substances registration agency, if  
15 any, to determine that person is registered to  
16 possess the controlled substance."

17 So for DDM, DDM only distributed  
18 to it's wholly-owned pharmacies, correct?

19 A. Correct.

20 Q. So under (b), sir, is it your  
21 understanding that DDM was obligated to design  
22 and operate a system to disclose the registrant  
23 suspicious orders of controlled substances?

24 A. Yes.

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1 CERTIFICATE

2 STATE OF OHIO :

SS:

3 COUNTY OF FRANKLIN :

4 I, Carol A. Kirk, a Registered Merit  
Reporter and Notary Public in and for the State of  
5 Ohio, duly commissioned and qualified, do hereby  
certify that the within-named JASON BRISCOE was by me  
6 first duly sworn to testify to the truth, the whole  
truth, and nothing but the truth in the cause  
7 aforesaid; that the deposition then given by him was  
by me reduced to stenotype in the presence of said  
8 witness; that the foregoing is a true and correct  
transcript of the deposition so given by him; that the  
9 deposition was taken at the time and place in the  
caption specified and was completed without  
10 adjournment; and that I am in no way related to or  
employed by any attorney or party hereto or  
11 financially interested in the action; and I am not,  
nor is the court reporting firm with which I am  
12 affiliated, under a contract as defined in Civil Rule  
28 (D) .

13

IN WITNESS WHEREOF, I have hereunto set my  
14 hand and affixed my seal of office at Columbus, Ohio  
on this 11th day of December 2018.

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18

CAROL A. KIRK, RMR

19

NOTARY PUBLIC - STATE OF OHIO

20 My Commission Expires: April 9, 2022.

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